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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR No. 10-mj-70643 MAG
)	
Plaintiff,)	
)	
v.)	STIPULATION AND [PROPOSED]
)	ORDER CHANGING HEARING DATE,
AVERY BADENHOP,)	EXTENDING TIME LIMITS OF RULE
)	5.1(c), AND EXCLUDING TIME
Defendant.)	
_____)	

On August 10, 2010, the parties in this case appeared before the Court for a bond hearing. At that time, the Court set the date for a preliminary hearing / arraignment for August 20, 2010. The parties respectfully request that the date for the preliminary hearing / arraignment be changed to September 14, 2010 and that the time limits provided by Federal Rule of Criminal Procedure 5.1(c) be extended through that date. Pursuant to Rule 5.1(d), the defendant consents to this extension of time, and the parties represents that good cause exists for this extension, including the effective preparation of counsel.

The parties also request that time from the date of this order through September 14, 2010 be excluded from any time limits applicable under 18 U.S.C. § 3161. The parties represent that granting the exclusion will allow the reasonable time necessary for effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

DATED: August 19, 2010

/s/
KEVIN J. BARRY
Assistant United States Attorney

DATED: August 19, 2010

/s/
DOUGLAS L. RAPPAPORT
Attorney for AVERY BADENHOP

[PROPOSED] ORDER

For the reasons stated above, the Court finds that the extension of time limits applicable under Federal Rule of Criminal Procedure 5.1(c) from the date of this order through September 14, 2010 is warranted; that exclusion of this period from the time limits applicable under 18 U.S.C. § 3161 is warranted; that the ends of justice served by the continuance under Rule 5.1 outweigh the interests of the public and the defendant in the prompt disposition of this criminal case; and that the failure to grant the requested exclusion of time would deny counsel for the defendant and for the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. 18 U.S.C. §3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: August 19, 2010

